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13 Attorneys for Defendant ARISTA NETWORKS, INC.

14 UNITED STATES DISTRICT COURT
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16 NORTHERN DISTRICT OF CALIFORNIA
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18 SAN JOSE DIVISION

18 CISCO SYSTEMS, INC.,

19 Plaintiff,

20 v.

21 ARISTA NETWORKS, INC.,

22 Defendant.

Case No. 5:14-cv-05344-BLF (NC)

**DECLARATION OF ANDRE PECH IN
SUPPORT OF ARISTA NETWORKS,
INC.'S MOTION TO STRIKE LATE
CONTENTIONS OR, ALTERNATIVELY
TO CONTINUE CASE SCHEDULE**

Date: October 27, 2016
Time: 9:00 a.m.
Judge: Hon. Beth Labson Freeman
Dept: Courtroom 3, 5th Floor

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 I, ANDRE PECH, declare and state as follows:

2 1. I am the Director of Software Engineering at Arista Networks, Inc. I have
3 personal knowledge of the matters set forth herein, and, if called upon as a witness, could and
4 would competently testify thereto.

5 2. Command-line interface (CLI) command descriptions known as “helpdesc” are
6 generated as output by Arista’s Extensible Operating System (EOS) when a user enters a “?”
7 Helpdesc command descriptions are typically short phrases describing the function of particular
8 CLI commands.

9 3. A user can see EOS helpdesc command descriptions in at least three ways:

10 i) First, a user of an Arista switch can generate Helpdesc command
11 descriptions as described above, by entering the “?” command. All Arista switches contain
12 helpdesc command descriptions for the CLI commands supported by those switches.

13 ii) Second, Arista’s vEOS, or virtual EOS, is publicly available on
14 Arista.com. Any member of the public can download and install vEOS, which can run on almost
15 any computer. Once vEOS is installed, the user can use vEOS as they would EOS on a physical
16 Arista switch without needing a physical Arista switch. That includes entering CLI commands
17 such as the “?” command into the vEOS CLI.

18 iii) Third, vEOS, which is publicly available, and EOS both contain source
19 code files that are easily read by anyone in possession of either vEOS or an Arista switch. Those
20 “.py,” or python language source code files contain helpdesc command descriptions as text
21 strings. I understand from Arista’s counsel that Cisco alleges that several such python files
22 contain helpdesc command descriptions that Cisco claims were unlawfully copied by Arista.

23 4. I understand from Arista’s counsel that certain exhibits to one of Cisco’s
24 December 2014 complaints against Arista in the International Trade Commission contain
25 screenshots of “output” from certain versions of Arista EOS CLI. The only way to produce those
26 screenshots is to generate them by using either an Arista switch or Arista’s publicly available
27 vEOS. Further, I understand that the same exhibits contain screenshots of Arista EOS source
28 code files, with citations to the source code file names. Those screenshots, too, could only be

1 obtained by using an Arista switch, vEOS, or by someone with access to an EOS image file or
2 source code repository.

3 I declare under penalty of perjury under the laws of the United States of America that the
4 foregoing is true and correct and that this Declaration was executed on the 11 day of June 2016
5 in San Francisco, California.

6
7 By: 
8 ANDRE PECH
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